REMARKS

This is a complete response to the Office Action of August 29, 2007 in connection with the present application. By the present Amendment, claims 1-9, 11-22 and 24-31 have been amended. Reconsideration and allowance of the application and all presently pending claims are respectfully requested.

On pages 3 through 6 of the Office Action dated August 29, 2007, the Examiner has rejected claims 1-31 under 35 USC 102(b) based on U.S. Patent No. 6,267,670 to Walker et al. (hereafter, "Walker"). The Examiner has also rejected claims 1, 8, 9, 12-22 and 25-29 under 35 USC 112 for lack of proper antecedent basis. By the present amendment, claims 1 through 9, 11 through 22 and 24 through 31 have been amended.

As disclosed in the specification of the presently pending application (see U.S. Publication No. 2004/0242309), the present invention provides, among other things, an advanced, robust lottery transaction system that gives retailers (e.g., lottery agents), lottery service providers, and third party application developers more control, greater selection and greater interactivity with the system. For example, third party application developers can use an application programming interface (API) to interact with the system and transaction handler 192 to provide updates as necessary for their lottery game or other application (see, for example, paragraphs 0025 and 0031-0034 of the present application publication specification, and related drawings). Third parties producing applications can thus integrate these applications using the top layer, the application or gaming platform API layer, of the lottery server, thereby providing users such as

PAGE 13/17 * RCVD AT 11/15/2007 3:35:32 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/8 * DNIS:2738300 * CSID:703 748 0244 * DURATION (mm-ss):03-28

the lottery agent with the ability to better manage game selection and transaction processing via the POS terminal, for example. In one aspect, the gaming platform of the present invention allows for lottery service providers to add/delete games, business applications, lottery agents, etc., for example, and these applications and games can be provided by third parties directly to the system of the present invention.

Response to 35 USC 112 rejections

By the present amendment, the claims have been amended to provide consistency and proper antecedent basis among the terms found problematic by the Examiner on page 2 of the Office Action. Applicant submits that these rejections have now been overcome, and Applicant respectfully requests that the rejection of the claims under 35 USC 112 be withdrawn.

Response to 35 USC 102 rejections

By the present amendment, claim 1 has been amended to recite that the system claimed therein includes a network facilitating electronic communications between the POS terminal, a lottery game controller, a lottery transaction controller and one or more third party application providers. Claim 1 has further been amended to recite that the lottery software is operable to display an interface associated with an application provided by one or more third party application providers via the network.

Independent claims 14 and 28 have been amended to incorporate the step of providing a network facilitating electronic communications between the POS device, a lottery game controller, a lottery transaction controller and one or more third party application providers, and

PAGE 14/17 * RCVD AT 11/15/2007 3:35:32 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/8 * DNIS:2738300 * CSID:703 748 0244 * DURATION (mm-ss):03-28

includes the further step of providing an application programming interface through which third party applications can communicate with the lottery software.

Independent claim 27 has been amended to recite that the lottery software includes an application programming interface for receiving third party gaming applications and further includes a transaction handler for abstracting system communications and security details from one or more third party applications. Independent claim 29 has been amended to recite the steps of providing a central lottery server in communication with the point-of-sale device over a network and providing an application programming interface through which third party applications can communicate with the central lottery server.

Independent claims 30 and 31 have been amended to recite that the lottery server has an application programming interface through which third party applications can communicate with the lottery server; and independent claim 30 has been further amended to recite that the point-of-sale device includes a transaction handler interface integrated therewith for managing data exchange and communications with at least one third party application.

Support for the above claim amendments can be found, for example, in paragraphs 0025 and 0031-0034 of the present application publication specification, and related drawings.

Applicant submits that the Walker reference does not disclose or suggest the invention as presently claimed. By contrast, to the extent the Walker reference attempts to integrate lottery and non-lottery transactions, it does so to generate a combined sales receipt, and to apply change

PAGE 15/17 * RCVD AT 11/15/2007 3:35:32 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/8 * DNIS:2738300 * CSID:703 748 0244 * DURATION (mm-ss):03-28

to fractional lottery tickets. See Abstract, col. 2, line 55 to col. 3, line 45, col. 4, line 41 to col. 6, line 57. The Walker reference is purely consumer transaction-oriented, and is not directed to managing the entirety of lottery system processes. Indeed, there is no discussion whatsoever in Walker of a third party application interface or a transaction handler as claimed in the amended claims of the present application.

Because Walker does not teach each and every element of the invention as claimed in the independent claims, there can be no rejection based on 35 U.S.C. § 102. Further, because Walker does not suggest or provide motivation for the claimed invention, either singly or in combination with any other reference of record, there can be no rejection of these claims under 35 U.S.C. § 103. The prior art must teach or suggest *all* claim elements in order to find anticipation or obviousness, and *all* words in a claim must be considered in judging the patentability of that claim against the prior art (see MPEP §§ 706.02(j) and 2143.03). Applicant therefore respectfully submits that the invention as presently claimed is not disclosed or suggested by the prior art of record. Applicant further submits that each of the dependent claims is similarly allowable as being dependent from an allowable independent claim.

Applicant submits that the present application is now in condition for allowance, and a prompt notice to that effect is appreciated. Should there be any outstanding issues requiring discussion in connection with this response specifically or the present application in general, the Examiner is invited to contact Applicant's undersigned representative at the address and phone number provided below. No fees are believed due in connection with this response; however, to

PAGE 16/17 * RCVD AT 11/15/2007 3:35:32 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/8 * DNIS:2738300 * CSID:703 748 0244 * DURATION (mm-ss):03-28

the extent fees are due, the Commissioner is hereby authorized to charge Deposit Account No. 50-0766 in the amount of the required fees.

Respectfully submitted,
WILLIAMS MULLEN, PC

Thomas F. Bergert
Counsel for Applicant
Reg. No. 38,076

Filed: November 15, 2007

Thomas F. Bergert, Esq.
Williams Mullen, PC
8270 Greensboro Drive, Suite 700
McLean, Virginia 22102
(703) 760-5200
tbergert@williamsmullen.com
1525462

PAGE 17/17 * RCVD AT 11/15/2007 3:35:32 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/8 * DNIS:2738300 * CSID:703 748 0244 * DURATION (mm-ss):03-28